

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 11-02905 GAF (VBKx)	Date	July 14, 2011
Title	Shulan Noma v. Wells Fargo Bank National Association et al		

Present: The Honorable	<b>GARY ALLEN FEESS</b>		
Renee Fisher	None		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

**Proceedings: (In Chambers)**

**ORDER DISMISSING CASE AND GRANTING MOTION TO EXPUNGE LIS  
PENDENS**

On January 10, 2011, Plaintiff Shulan Noma (“Plaintiff”) filed suit against Defendants Wells Fargo Bank, National Association (“Wells Fargo”), Cal-Western Reconveyance Corporation (“Cal-Western”), and Federal Home Loan Mortgage Corporation (“Freddie Mac”) in the Los Angeles County Superior Court alleging numerous state and federal causes of action arising out of the foreclosure of her home. (Docket No. 1, Not., Ex. A [Compl.]) After the case was removed to this Court, on April 6, 2011, Freddie Mac moved to dismiss and to expunge the lis pendens, and Wells Fargo also moved to dismiss and to strike portions of the complaint. (Docket Nos. 9-10, 12.)

On July 5, 2011, this Court dismissed the complaint against Wells Fargo and Freddie Mac, denied the motion to strike as moot, and reserved its ruling on Freddie Mac’s motion to expunge the lis pendens until the Court had an opportunity to consider Plaintiff’s amended complaint, if she chose to file one by July 12, 2011. (Docket No. 16, 7/5/11 Order at 14.) The Court also noted that Plaintiff’s failure to file an amended complaint would be deemed consent to dismissal of the action. (*Id.*) Here, because Plaintiff has failed to file an amended complaint by this Court’s deadline, this case is hereby **DISMISSED** against Wells Fargo and Freddie Mac—the moving defendants.

Lastly, because no amended complaint was filed, the Court now considers Freddie

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Mac's motion to expunge the lis pendens. (Docket No. 12, Mem. at 13-14.) The California Civil Procedure Code provides that "the court shall order the notice [of pendency of action] expunged if the court finds that the pleading on which the notice is based does not contain a real property claim," or "that the claimant has not established by a preponderance of the evidence the probable validity of the real property claim." CAL. CIV. PROC. CODE §§ 405.31, 405.32. A real property claim is defined as a cause of action "in a pleading which would, if meritorious, affect . . . title to, or the right to possession of, specific real property. . . ." Id. § 405.4.

Here, as discussed in the July 5, 2011 Order, the Court has concluded that none of Plaintiff's claims are meritorious. Therefore, pursuant to Civil Procedure Code §§ 405.31 and 405.4, the Court **GRANTS** Freddie Mac's motion to expunge the lis pendens.

**IT IS SO ORDERED.**